

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wolovitz, et. al.
International Application No. : PCT/GB2000/04339
U.S. Application No. : 09/889,306
Title : "Removable Wireless Device"
International Filing Date : November 15th, 2000
U.S. Filing Date : July 13th, 2001
Attorney Docket No. : 5035-112US//P29,120 USA

FILED ELECTRONICALLY ON April 24, 2007

Mail Stop – Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR §1.181
REQUESTING WITHDRAWAL OF HOLDING OF ABANDONMENT

Sir:

The above-identified application went abandoned as a result of Applicant's failure to respond to an Office Action issued on January 13, 2005. Applicant has never received the Office Action, nor the Notice of Abandonment, since the correspondence address for this application was changed by the USPTO in October 2002, for no apparent reason other than an error. The undersigned attorney spoke with the Examiner of record, Examiner Bing Bui, on April 9, 2007, and Examiner Bui informed the undersigned of the above information. After a discussion of the circumstances, Examiner Bui advised the undersigned attorney to file the present Petition.

Applicant provides the following information for consideration by the Commissioner and respectfully requests that the holding of abandonment be withdrawn in the above-identified application; that the correspondence address be changed back to correctly identify the office of the undersigned as the correspondence address; and that the January 13, 2005 Office Action be re-issued and sent to the undersigned.

April 24, 2007

U.S. Application No. 09/889,306
Attorney Docket No.: 5035-112US//P29,102 USA

During a telephone conversation with Examiner Bui on April 9, 2007, the Examiner advised the undersigned that a non-final office action was issued on January 13, 2005, setting a 3-month shortened statutory period for response, making a response due (without extensions of time) on April 13, 2005.

Examiner Bui further indicated that a Notice of Abandonment was mailed on August 22, 2005, after no response to the January 13, 2005 office action was received in the USPTO.

Examiner Bui also indicated that neither of the above was sent to the address of the undersigned, because in October of 2002, the correspondence address for the application had been changed from the office of the undersigned to another address in Michigan, apparently in error, since there is no record of any document in the Patent Office files directing that such a change be made.

Applicant confirms that such a request was not made by Applicant's office.

Pursuant to M.P.E.P. §711.03(c), applicant hereby states the following:

(A) The undersigned attorney states that the outstanding Office Action was not received by the undersigned; and

(B) A search of the file jacket and docket records indicates that the Office Action was not received. Attached as Exhibit A is a copy of the pertinent pages of the April 2005 docket records of the office of the undersigned. Only the pages having docket entries for April 13, 2005 (sorted by responsible attorney) are included, which was the 3-month deadline for the office action issued in the present case. If an office action had been received in the office of the undersigned, it would have been docketed for response on April 13, 2005 and an entry would appear on the docket record attached as Exhibit A.

In view of the above facts, Applicant requests that the Commissioner withdraw the holding of abandonment of the above-identified application; correct the correspondence address back to that of the undersigned, and issue a new Office Action.

April 24, 2007

U.S. Application No. 09/889,306
Attorney Docket No.: 5035-112US//P29,102 USA

Applicant believes that no Petition fee is due; however, the Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted,

Dated: April 24, 2007

/Mark D. Simpson/

Mark D. Simpson
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**Application No. 09/889,306
Attorney Docket No. 5035-112US/29120 USA**

EXHIBIT A

Tuesday, April 12, 2005

SYNNESTVEDT LECHNER WOODBRIDGE LLP

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From 01-Jan-2004 To 17-Apr-2005

Due Date/ Date Type	Client	Client-Matter	Ctry	Action	Redocket	Removed	Reassign	Date Entered
12-Apr-2005 Due Date	Rutgers University (S&L)	6016-27864A	WO	ag billed-REMINDER: 20 MONTH NATIONAL FILING DUE 5/25/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :	
12-Apr-2005 Due Date	Princeton University	960-131	CA	REM: Office action due 4/21/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :	
			Assign Atty:	PJB				
12-Apr-2005 Due Date	Princeton University	960-131	CA	ag billed-HEAR F/ CL? RESP. TO OA DUE 4/21/05-rec'd client instructions as per NZ			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :	
13-Apr-2005 Due Date	NutriScience Technologies(S&L)	6004-22888 G	WO	ag billed-REMINDER: DEADLINE TO FILE APPLICATION 4/30/05-SK working on file			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :	
13-Apr-2005 Due Date	A. Carlsson Research AB (Valea)	6027-29751	US	ag billed-HR F/ CL? RE:REG. US/FOR. FIL. DUE 10/13/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :	
13-Apr-2005 Due Date	A. Carlsson Research AB (Valea)	6027-29752	US	ag billed-HR F/ CL? RE:REG. US/FOR. FIL. DUE 10/13/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :	

Tuesday, April 12, 2005

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From 01-Jan-2004 To 17-Apr-2005

Due Date/ Date Type	Client	Client-Matter	Ctry	Action	Redocket	Removed	Reassign	Date	Entered
11-Apr-2005 Due Date	Agere Systems Inc.(S&L)	6002-118	US	HAVE WE REC'D FROM CLIENT EXECUTED ASSIGNMENTS, DECLARATION AND POA?			Answered	<input type="checkbox"/> Abandoned	<input type="checkbox"/> To: Other :
11-Apr-2005 Due Date	Agere Systems Inc.(S&L)	6002-118	WO	HAVE WE REC'D POA FROM THE INVENTORS? ASSIGNMENTS REC'D?			Answered	<input type="checkbox"/> Abandoned	<input type="checkbox"/> To: Other :
13-Apr-2005 Due Date	Geary, John N. (S&L)	6011-102	US	(myLeaderboard Browser) REM: REG.USFOR. FIL.DUE 5/13/05-file transferred to Phila. For handling by GSB-has it been filed? Instruct AG to remove from docket when completed			Answered	<input type="checkbox"/> Abandoned	<input type="checkbox"/> To: Other :
14-Apr-2005 Final	Agere Systems Inc.(S&L)	6002-121	US	CLIENT DEADLINE TO FILE IN THE US was 11/27/04-have we rec'd instructions to proceed from client?			Answered	<input type="checkbox"/> Abandoned	<input type="checkbox"/> To: Other :

Monday, April 11, 2005

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From 01-Jan-2004 To 17-Apr-2005

Due Date/ Date Type	Client	Client-Matter	Ctry	Action	Redocket	Removed	Reassign	Date	Entered
11-Apr-2005 Due Date	Lucent Technologies, Inc.(S&L)	6005-112	US	ag billed-REMINDER: RESPONSE TO NOTICE FOR MISSING PARTS DUE 4/16/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
11-Apr-2005 Due Date	Whittaker Corp., M/A-com	6006-103	US	REC. PC? Re: IDS FILED 11/9/04			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
11-Apr-2005 Due Date	Whittaker Corp., M/A-com	6006-112	US	REM: CLIENT DEADLINE TO FILE IN THE US was 2/15/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
11-Apr-2005 Final Due Date	Whittaker Corp., M/A-com	6006-112	US	CLIENT DEADLINE TO FILE IN THE US was 2/15/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
11-Apr-2005 Due Date	Whittaker Corp., M/A-com	6006-113	US	REM:CLIENT DEADLINE TO FILE IN THE US was 2/15/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
11-Apr-2005 Final Due Date	Whittaker Corp., M/A-com	6006-113	US	CLIENT DEADLINE TO FILE IN THE US was 2/15/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
13-Apr-2005 Due Date	Princeton Video Image, Inc.	3780-130	MX	REMINDER: ISSUE FEES DUE 5/13/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
				Assign Atty: ROY			Assign Atty: ROY		

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From 01-Jan-2004 To 17-Apr-2005

Due Date/ Date Type	Client	Client-Matter	Ctry	Action	Redocket	Removed	Reassign	Date	Entered
13-Apr-2005 Due Date	Art Loss Register, The	5041-102	US	ag billed-REMINDER: 8 &15 DUE 7/13/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
				Assign Atty: BLS					
13-Apr-2005 Due Date	WABCO GmbH & Co.	5550-102	US	ag billed- REMINDER: SOU DUE 7/13/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
				Subcase: Z Assign Atty: BLS					
14-Apr-2005 Due Date	Broadbeam Corporation (former)	3520-223	US	ag billed-REMINDER: SOU DUE 6/14/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
				Assign Atty: BLS					
14-Apr-2005 Due Date	Broadbeam Corporation (former)	3520-224	US	ag billed-REMINDER: SOU DUE 6/14/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
				Assign Atty: BLS					
15-Apr-2005 Due Date	Boy Scouts of America	2212-273	US	REMINDER: BSA'S APPLICATION WAS SUSPENDED PENDING SERIAL NO. 76/097,244-cited mark was Registered on. 9/7/04 awaiting USPTO notice to abandon our appl.			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
				Subcase: Z Assign Atty: BLS					

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From 01-Jan-2004 To 17-Apr-2005

Due Date/ Date Type	Client	Client-Matter	Ctry	Action	Redocket	Removed	Reassign	Date	Entered
12-Apr-2005 Due Date	Fairview Horticulture	5585-105	US	Receive Registration?					
				Assign Atty: JLG					
13-Apr-2005 Due Date	Antyra, Inc.	4080-102	US	AG BILLED- REMINDER: 8 &15 DUE 7/13/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
				Subcase: Z Assign Atty: JLG					
13-Apr-2005 Due Date	Antyra, Inc.	4080-103	US	ag billed-REMINDER: 8 &15 DUE 7/13/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
				Subcase: Z Assign Atty: JLG					
13-Apr-2005 Due Date	Boase Cohen & Collins	5753-103	US	ag billed-REMINDER: TM RENEWAL DUE 8/13/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
				Assign Atty: JLG					
14-Apr-2005 Due Date	5403	5403-102	US	(AG BILLED)REMINDER: 8 &15 DUE 9/14/05- have we filed?			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
				Assign Atty: JLG					
14-Apr-2005 Due Date	24/7 Customer, Inc.	5738-103	US	Status Chk			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
				Assign Atty: JLG					
15-Apr-2005 Due Date	Wuersch & Gering LLP	5332-104	JP	REMINDER: DEADLINE TO PAY FOREIGN REGISTRATION FEES 5/6/05			Answered <input type="checkbox"/> Abandoned <input type="checkbox"/> To: Other :		
				Assign Atty: JLG					